

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NATHANIEL MCCOY-WINSTON,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant United Parcel Service, Inc. ("UPS"), by and through undersigned counsel, hereby gives notice of the removal of the above-entitled civil action from the Superior Court of the State of Washington, in and for the County of King (KCSC Case No. 20-2-06662-1 SEA), to the United States District Court for the Western District of Washington, Seattle Division. Defendant removes the case pursuant to 28 U.S.C., §§ 1331, 1441, and 1446, on the grounds set forth below.

1. This civil action was filed on March 17, 2020 in the King County Superior Court of the State of Washington and was pending in that state court as 20-2-06662-1 SEA at the time of this removal. UPS was served with the Summons and Complaint on April 29, 2020. Accordingly, this Notice of Removal is filed within the thirty-day period of time prescribed by 28 U.S.C. § 1446(b). *Murphy Bros., Inc. v. Michetti Pipe Stinging, Inc.*, 526 U.S. 334, 119 S. Ct. 1322 (1999). Pursuant to Local Civil Rule 101(b), a copy of the operative complaint (the "Complaint" or "Compl.") is separately attached to this Notice as **Exhibit A**. True and correct

copies of all records and proceedings filed in the state court are attached to this Notice as **Exhibit B.** See 28 U.S.C. § 1446(a).

2. **Complete Diversity of Citizenship Exists Between the Parties.** This Court has jurisdiction under 28 U.S.C. § 1332, and removal is proper pursuant to 28 U.S.C. § 1441, in that there is diversity of citizenship among the parties as follows:

(a) The Complaint avers that Plaintiff Nathaniel McCoy-Winston resides in the State of Washington. See **Exhibit A**, Compl., ¶ 1.1.

(b) UPS is, and was at the time this action commenced, a citizen of the State of Ohio and the State of Georgia within the meaning of 28 U.S.C. §§ 1332(c)(1), because it is, and was at the time the time this action commenced, incorporated under the laws of the State of Ohio, and its principal place of business was and is in the State of Georgia. See **Exhibit A**, Compl., ¶ 1.2; *Cota v. United Parcel Serv., Inc.*, No.

219CV01524VAPAFMX, 2019 WL 3298778, at \*1 (C.D. Cal. July 22, 2019)

(“Defendant United Parcel Service, Inc. is an Ohio corporation with its principal place of business in Georgia.”).

3. **The Amount in Controversy Exceeds \$75,000.00.** This Court has jurisdiction under 28 U.S.C. § 1332, and removal is proper pursuant to 28 U.S.C. § 1441, because that the amount in controversy exceeds \$75,000, exclusive of cost and interest. The Plaintiff specifies on the face of the Complaint that he is claiming damages in the form of emotional distress damages, lost wages, including back pay and front pay, and lost benefits. See **Exhibit A**, Compl., ¶¶ 3.6, 5.1, and Request for Relief. Based on these claims, the amount in controversy undoubtably exceeds \$75,000.

4. **Removal Perfected.** As set forth above, diversity of citizenship exists between the proper parties in this case and the amount in controversy exceeds \$75,000, exclusive of interest and costs. Accordingly, pursuant to 28 U.S.C. §§ 1332 and 1446, as amended, the action is removed to this Court.

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2020, I electronically filed the attached document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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Declared under penalty of perjury under the laws of the State of Washington.

DATED at Seattle, Washington this 22nd day of May, 2020.

/s/ Greta Nelson

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